IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Crl.MC.No. 2437 of 2007()

CRIME NO.29/06 OF KOORACHUNDU POLICE STATION
AGAINST THE JUDGEMENT/ORDER IN BA.2514/2006 Dated 09/05/2006

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PETITIONER: ACCUSED

BASHEER N.K., AGED 37 YEARS, S/O. KOYA,
NJARAMMAL HOUSE, KAYANNA AMSOM,
ATYOODI DESOM.

BY ADV. SRI.SAKIR.K.H.
SRI.TOMY JOHN VETTATH

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE
SUB INSPECTOR OF POLICE, KOORACHUNDU POLICE
STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2437 of 2007

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Dated this the 5th day of October, 2007

O R D E R

This petition has been filed by the petitioner, who is the defacto complainant in Crime no.136 of 2007 of Palluruthy police station registered, inter alia, under Sections 326 and 307 r/w. 149 I.P.C. The petitioner has come to this Court with the grievance that anticipatory bail was unjustifiably granted to the accused persons.

2. The learned Prosecutor was directed to take instructions. The learned Prosecutor submits that the investigation is now complete. Final report has already been filed. Cognizance has been taken by the committal court. Committal proceedings has been registered. The case stands posted to 25.10.2007.

3. Learned counsel for the petitioner submits that the learned Sessions Judge may be directed to consider the application for bail and impose appropriate conditions.

4. Needless to say the learned Sessions Judge must consider the bail application and pass appropriate orders in the light of the earlier order granting anticipatory bail. The petitioner shall be at liberty to appear before the learned Sessions Judge and make his

submissions, if any. Appropriate orders must be passed by the learned Sessions Judge. I find absolutely no reason at this stage to interfere with the impugned order of anticipatory bail passed by the learned Sessions Judge.

This petition is accordingly dismissed.

(R. BASANT)
Judge

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R. BASANT, J.

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Crl.M.C.No. 2437 of 2007

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Dated this the 30th day of July, 2007

O R D E R

The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the condition imposed on the petitioner, who faces allegations under the provisions of the Explosive Substances Act, when he was released on bail as per order dt. 9.5.2006 that he must appear before the Investigating Officer on all alternate Tuesdays between 10 a.m. and 11 a.m. till the final report is filed, can now be deleted with the rider that the petitioner shall appear before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

2. This Crl.M.C. is hence allowed as above.

(R. BASANT)
Judge

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